

Notice of Allowability

Application No.

09/741,529

Examiner

Michael Kornakov

Applicant(s)

SHANG ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/09/2004.
2. ☒ The allowed claim(s) is/are 8-12 and 15-29.
3. ☒ The drawings filed on 19 December 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 04/20/04;
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S COMMENTS/REASONS FOR ALLOWANCE

Response to Amendment

1. Applicants' amendment, dated 04/20/2004 and the supplemental amendment and remarks, precisely addressing the Applicants' invention, dated 06/09/2004 are noted.
2. The Declaration filed on 04/20/2004 under 37 CFR 1.131 is sufficient to overcome the reference to WO 00/52740, which corresponds to U.S. 6,602,433. Therefore, WO 00/52740 is removed from the scope of 35 U.S.C. 103 (a) rejection and the said rejection is withdrawn.

Allowable claims

3. Claims 8-12, 15-29 are allowable over the prior art of record.

Reasons for allowance

4. The following is an examiner's statement of reasons for allowance: The closest prior art of record are Shang et al (U.S. 5,788,778), WO 00/52740 and Hodgson (U.S. 5,378,324), the combined teaching of which was applied for the rejection of the instant claims 8-12 and 15 under 35 U.S.C. 103(a). Applicants have presented the Declaration under 37 CFR 1.131, which is found sufficient to overcome the reference to WO 00/52740 and therefore the rejection, indicated above is withdrawn. No other prior art that anticipates or suggests fairly the instant claims has been located as of the date of

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this office action. Therefore, claims 8-12 and 15-29 are allowed over the prior art of record.

5. The supplemental information disclosure statement, dated 04/20/2004, which includes the data from European Search Report, is noted. The European Search Report indicates the references to JP08060368 and JP06080962 as X references. However, neither reference recites a chamber cleaning process with the steps as instantly claimed, and specifically, on site conversion of hydrogen fluoride into fluorine, employing cold trap wherein fluorine generator being remotely positioned but fluidly coupled to the process chamber.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kornakov whose telephone number is (571) 272-1303. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Kornakov
Examiner
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06/11/2004